

March 9, 2012

*Via Electronic Filing*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Comments Regarding Further Notice of Proposed Rulemaking  
In the Matter of Structure and Practices of the Video Relay Service Program  
CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

The Video Relay Services Consumer Association (“VRSCA”)<sup>1</sup> applauds the Federal Communications Commission (“FCC”) and its continued efforts to improve the structure of the Video Relay Service (“VRS”) program and minimize fraud. Based on our communications with many VRS consumers, the VRSCA wishes to share some concerns and specific points related to the recent Further Notice of Proposed Rulemaking (“Further Notice”) in CG Docket Nos. 10-51 and 03-123 released on December 15, 2011.

The VRSCA generally agrees with the Consumer Groups’ TRS Policy Statement – Functional Equivalency of Telecommunications Relay Services: Meeting the Mandate of the Americans with Disabilities Act, filed April 2011, and referenced throughout this proceeding. Like the Consumer Groups, the VRSCA believes that the national telecommunications relay service (“TRS”) program is about ensuring that deaf, hard-of-hearing and speech disabled consumers and their hearing contacts enjoy functional equivalency in communications. The FCC, in considering potential market structures and long-term compensation methods for the VRS program, should ensure that the provision of VRS is functionally equivalent to conventional voice services, as required by Section 225 of the Communications Act.

We must emphasize that many of the individuals potentially impacted by the proposed reforms in the FCC’s Further Notice, including deaf, hard-of-hearing and speech disabled individuals who communicate using American Sign Language (“ASL”), are overwhelmed by the number of complex issues raised in the Further Notice and the relatively short deadlines set by the FCC. The VRSCA’s comments below address the concerns that many VRS consumers have with respect to the proposed reforms to the

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<sup>1</sup> See Comments of VRSCA filed April 26 and May 23, 2011, in CG Docket Nos. 10-51 and 03-123, for additional information about VRSCA. See also [www.vrsc.org](http://www.vrsc.org).

VRS program outlined in the FCC's Further Notice. The VRSCA believes that the following issues are the most important issues raised in the Further Notice: (1) the FCC's proposed per-user model; (2) technology standards for VRS; (3) broadband accessibility; and (4) quality of service.

1. The FCC's Proposed Per-User Model.

Many VRS consumers have concerns with the FCC's proposed change from a per-minute compensation model to a per-user compensation model. VRS consumers are concerned that the FCC will make drastic changes which limit choices and treat deaf, hard-of-hearing, and speech disabled individuals as second class citizens. The result would be a VRS program that does not meet the functional equivalency standard.

The FCC seeks comment on whether to modify or eliminate the dial around requirement if the FCC adopts a per-user compensation model. VRS consumers, over the past few years, have become used to having the option to dial around to a VRS provider other than their default provider as necessary or desired. VRS consumers would like to keep the ability to dial around to competing providers, which would allow them to have access to VRS providers that meet their needs for a particular call or purpose. For instance, Mondays seem to be the busiest day of the week for VRS calls and a VRS user should have the option to dial around without having to wait in a queue. If the FCC eliminates dial around, the VRSCA expresses concern regarding incidents in which a provider's service may be disrupted for any reason for a certain length of time. For example, there have been at least four incidents of involuntary service interruptions reported to the FCC in the last three months in this proceeding. Should this occur, VRS consumers would not be able to dial around to make calls whether urgent or not.

An additional concern is how the FCC would apply the per-user model when a VRS consumer prefers one provider for fixed service at home, another provider for mobile service, and a third provider at the workplace. In the Further Notice, the FCC requests comment on whether to allow additional compensation to VRS providers, if the per-use model is adopted, for providing service to VRS users at their place of employment or whether to allow for dual registration (i.e., for fixed and mobile services). Many VRS consumers have expressed a desire to maintain various providers due to the uniqueness of their service. One provider may offer better service in the workplace and another may offer better mobile service. The VRS consumer should have the right to choose. This program provides functionally equivalent communication services where deaf, hard-of-hearing, and speech disabled consumers have choices similar to hearing consumers in that hearing consumers are free to have different carriers for land line and mobile services.

The FCC seeks comment on whether to allow VRS providers to require VRS users, under certain circumstances, to enter into a service contract after the adoption of a per-user compensation model. VRS consumers are concerned with the FCC allowing VRS providers to require a service contract because consumers do not want to be stuck with one VRS provider for a long period of time. A VRS user should have the ability to

change their default provider if, for example, the user is dissatisfied with the quality of interpreters. VRS consumers are also concerned with restrictions and fees that a VRS provider may impose, such as limitations on the number of VRS minutes and early termination fees. The FCC also seeks comment on whether to require VRS providers to accept 911 calls from users who are not their registered users if the FCC adopts the proposal to allow VRS providers to require users to sign a contract. The FCC should require VRS providers to accept any 911 call to ensure functionally equivalent access to emergency services. VRS consumers are concerned that VRS providers, under a per-user model with service contracts, will focus more on obtaining new contracts and recruiting rather than quality of service to existing customers.

It is apparent to the VRSCA that the per-user model has too many flaws which infringe on the rights of deaf, hard-of-hearing, and speech disabled individuals and their ability to receive functional equivalence. The VRSCA also understands, and the FCC makes clear in the Further Notice, that simply continuing the VRS program as currently structured is not a viable option. There have been some discussions about a hybrid approach which would compensate providers per user for providing access to VRS and per minute for interpreting VRS calls. We need more information and time to review this possibility because the VRSCA has yet to share this information with consumers and receive their input. Unless the FCC can show that the per-user model will not create havoc among VRS consumers and providers, the VRSCA recommends that the FCC maintain the per-minute model until the FCC is able to ensure that a fair and equitable VRS compensation system is in place.

## 2. Technology Standards for VRS.

It is important for VRS consumers to have reliable available technologies and videophones that meet established technical standards and achieve a minimum level of interoperability. The VRSCA supports the FCC's efforts to develop VRS access technology standards to ensure that VRS users will be able to use their existing VRS access technology if they choose a new default provider. It is crucial for the FCC to establish technical standards to ensure that deaf, hard-of-hearing, and speech disabled individuals and hearing individuals are able to purchase or lease VRS access technology hardware that will give them access to VRS and that such equipment will be interoperable. Manufacturers of videophone equipment should also be subject to the technical standards so that hearing relatives who use ASL can purchase off-the-shelf equipment and place direct point-to-point calls to their deaf, hard-of-hearing, or speech disabled relatives, eliminating the need for the Communications Assistant ("CA"). Videophone equipment provided to a consumer by a VRS provider should have a minimum set of functionalities needed for consumers to effectively use VRS so that if the consumer ports the number to a new default provider and uses the videophone equipment with the new provider, that equipment retains the minimum features. The result is that the calls made with the equipment are still functionally equivalent to calls made by hearing individuals. The creation of VRS access technology standards would likely improve functional equivalence.

The VRSCA does not expect that every feature would continue to work after porting occurs. Unique features should be protected by the manufacturer. This will continue to encourage innovation and the development of improved technology. For example, Apple Inc. has unique features or programs that are not available on other PC models. It is important for consumers to have options, to choose their equipment and provider based on their needs. Videophones should allow consumers to easily transfer information such as a list of contacts from one videophone to another videophone, similar to a transfer of contacts from one cell phone to another.

Equipment used for VRS should also be user friendly. Many VRS consumers are baby boomers or elderly who may not be familiar with the latest technology on VRS equipment. These older consumers may not have or want access to the Internet and are looking for VRS equipment that allows them to “plug and play.” All VRS equipment manufacturers should have knowledgeable technical support contacts for consumers to seek information about the equipment features as well as assistance with using the equipment.

### 3. Broadband Accessibility.

The FCC should expand programs that allow low income individuals with hearing and speech disabilities who use ASL to have more access to VRS. The VRSCA supports the FCC’s proposal to create a TRS Broadband Pilot Program to provide discounted broadband Internet access for eligible individuals and supports other efforts by the FCC to increase VRS availability.

Since VRS requires that the user obtain a broadband Internet connection to have access to the service, broadband should be available at a cost that is affordable. Many deaf, hard-of-hearing, and speech disabled consumers still do not have access to broadband, especially those in rural areas. To the extent that the cost of broadband Internet access is preventing low income individuals, who use ASL as their primary form of communication, from transitioning out of TTY technology to VRS or another Internet-based TRS, the FCC’s creation of a TRS Broadband Pilot Program will help transition such eligible individuals. The impact of having adequate and affordable access to broadband is enormous, giving them the opportunity to connect and communicate in ASL. The number of individuals with hearing or speech disabilities who use ASL and have access to broadband is unknown. There is a need to gather accurate information in this area. The FCC does not currently have a mechanism for verifying the number of current and potential VRS users and this data is necessary to perform a needs assessment. The FCC’s proposal to establish a VRS User Database is a step in the right direction. Among other benefits, the database will provide a reliable source of information on the number of VRS users and those VRS users that are eligible for support under the TRS Broadband Pilot Program.

The FCC’s programs to promote broadband adoption by low income individuals with hearing and speech disabilities will expand the potential base of VRS users to include those who use ASL but could not previously afford broadband Internet access service.

In the Further Notice, the FCC seeks comment on whether it should establish an independent outreach program to educate the public about TRS, including VRS. The FCC and VRS providers should promote awareness and build acceptance of all types of TRS by informing the public and private sectors of the benefits of TRS and their responsibility to make and receive TRS calls on a regular basis. The VRSCA agrees with the Consumer Groups' observation that an independent outreach program to educate the public about TRS is necessary.

4. Quality of Service.

The FCC should have standards to ensure the provision of high quality service to all VRS users. In the Further Notice, the FCC seeks comment on whether it should establish specific training requirements or qualifications for VRS Communications Assistants that are different from or beyond the general requirements in the FCC rules. There are national certifications, state certifications, and VRS providers have their own level of CA qualifications. The FCC should be clear about its qualifications for VRS Communications Assistants and hold providers to such standards in order to protect VRS consumers and prevent compromises in call quality by providers simply operating for profit. The current system provides the opportunity for VRS users to dial around or change providers to gain access to better qualified interpreters. The qualifications for VRS Communications Assistants would become more of a concern if the FCC adopts a per-user compensation model.

Furthermore, the FCC should consider establishing additional complaint handling procedures for VRS providers, such as requiring a clear way for consumers to report problems or issues to the VRS provider immediately after a VRS call is completed. VRS consumers often forget to write down the interpreter's identification number and have a difficult time locating the provider's complaint procedures on the Internet. There should be an easy, accessible way to provide feedback to VRS providers.

The VRSCA acknowledges that qualified interpreters are vital to the VRS industry. It is essential that the FCC establish VRS quality of service standards to ensure that VRS offers functionally equivalent service to deaf, hard-of-hearing, and speech disabled individuals who use ASL as their primary form of communication. With any reform to the VRS program considered by the FCC in this proceeding, the functional equivalence standard should serve as a benchmark.

Respectfully submitted,

*/s/ electronically signed*

Sharon Hayes  
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